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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,901	09/22/2003	Naozumi Sugimura	520.43142X00	7388

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EXAMINER

SHIBRU, HELEN

ART UNIT PAPER NUMBER

2616

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/664,901	Applicant(s) SUGIMURA ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/19/2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The amendments, filed 08/19/2005, have been entered and made of record. Claims 1-10 are cancelled and claims 11-18 are pending. In view of the Applicants' amendments to the title and the drawings in fig. 2, 3, 7, 8, and 13, the objection to the title and the drawing in fig. 2, 3, 7, 8, and 13 are hereby withdrawn.

***Response to Arguments***

2. Applicant's arguments filed 08/19/2005 have been fully considered but they are not persuasive. See the new ground(s) of rejections set below.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-14 are rejected under 35 U.S.C. 101 because the recording medium contains two files, stream files and play list files. The claims considered data structure per se because they do not define any structural and functional interrelationship between the data structure and other claimed aspects of the invention which permits the data structure's functionally to be realized, and are not statutory.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsumagari (US Pat. No. 6,798,976) in view of Fukai (US PG-Pub 2001/0031131).

Regarding claim 15, Tsumagari discloses an information reproducing method for reproducing still picture information from a recording medium on which is recorded stream files including still pictures (see fig. 22 and 31, col. 8 lines 16-17, and col. 11 lines 15-21 and lines 27-30), play list files which order still pictures to be played (see fig. 6, 8, 9, 27, col. 13 lines 28-33, 51-54, and col. 21 lines 50-62). Claim 15 differ from Tsumagari in that the claim further requires the play list files with one or more play items, each of said play items including start information indicating a presentation start time and end information indicating a presentation end time for a still picture. Although Tsumagari does not specifically teach the presentation start time and end time of a still picture, Tsumagari discloses still time (STILL\_TM) which represents the presentation time of the still picture or the duration (see col. 12 lines 28-29). Tsumagari further discloses the MPU (see fig. 29 MPU (30)) detects the play list information contents and the PGC contents (see col. 29 lines 50-55). Tsumagari further discloses the playback times are designated by PGC (see col. 21 lines 44-55).

In the same field of endeavor, Fukai discloses the start times and stop times of scenes are recorded (see paragraph 0008 and fig. 3 and fig. 5A). Fukai further discloses a temporary storage medium connected to the microcomputer is provided in the memory mechanism (see paragraph 0061), and the microcomputer reads out data temporary stored in the memory (see paragraph 0062). Therefore in light of the teaching in Fukai, it would have been obvious to one of ordinary

skill in the art to modify Tsumagari by providing a start times and end times in order to search promptly in the edition process.

Regarding claim 16, Tsumagari discloses start information is in the format of VOB\_V\_S\_PTM time and said end information is in the format of VOB\_V\_E\_PTM (see col. 14 line 57-col. 15 line 2, it is the designer's choice to set the format).

6. Claims 11, 13, and 17 are rejected for the same reason as discussed in method claim 16 above.

Claims 12, 14, and 18 are rejected for the same reason as discussed in claim 16 above.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

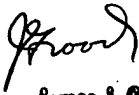
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, James J. Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
October 27, 2005

  
**James J. Groody**  
**Supervisory Patent Examiner**  
**Art Unit 262 2616**